

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APL CO. PTE. LTD.,

Plaintiff,

v.

KEMIRA WATER SOLUTIONS, INC.,
(formerly known as "Kemiron Companies"),
FAIRYLAND ENVITECH CO. LTD.,

Defendants.

Case No. C 09-03967 SC

**INTERNATIONAL LETTER OF
REQUEST (LETTER ROGATORY)**

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE (LETTER ROGATORY)

The United States District Court for the Northern District of California presents compliments to the Appropriate Judicial Authority of Taiwan and respectfully requests international judicial assistance to effect service of process upon defendant Fairyland Envitech Co. Ltd. ("Fairyland") to be used in a civil proceeding before this Court in the captioned matter. A suit on this matter is proceeding in San Francisco, California, United States of America.

This Court requests the assistance as necessary in the interests of justice. The assistance requested is that the appropriate Judicial Authority of Taiwan effect service of process of the complaint and summons (copies of which are provided with this Letter) upon the below named corporation, according to a method prescribed by Taiwan's internal law for the service of judicial documents upon persons or entities that are within its territory.

Fairyland Envitech Co. Ltd.
No. 1-1, Lane I
Jiashin E. Road
Gangshan Jen Kaohsiung
TAIWAN

This Court further requests that the judicial authorities of Taiwan cause the person who serves the documents upon a director, managing agent, officer, or other person authorized to accept service of Fairyland Envitech Co. Ltd. to execute an affidavit of service as provided by Taiwanese law, and return, through diplomatic channels to Plaintiff's attorney, the affidavit of service and a copy of the documents that were served.

1 **FACTS**

2 This is a civil case in which plaintiff seeks compensation for damages allegedly caused by
3 hazardous cargo plaintiff claims Fairyland shipped on its vessels from Taiwan to the United
4 States. The plaintiff claims these damages arise from Fairyland's breach of contract and that
5 Fairyland also is liable pursuant to the Comprehensive Environmental Response, Compensation
6 and Liability Act, 42 U.S.C. § 9601 et seq.

7 **RECIPROCITY**

8 This Court would provide similar judicial assistance to the courts of Taiwan.


9 **REIMBURSEMENT FOR COSTS**

10 Counsel for the plaintiff in this action is willing to reimburse the Judicial Authority of
11 Taiwan for costs incurred in executing this Court's letter rogatory. Request for reimbursement may
12 be sent to:

13 Charles S. Donovan
14 Sheppard Mullin Richter & Hampton LLP
15 Four Embarcadero Center, 17th Floor
San Francisco, California 94111

16 This Court extends to the judicial authorities of Taiwan the assurances of its highest
17 consideration.

18
19 Dated: March 19, 2010

20 
Honorable Samuel Conti
21 United States District Judge
Northern District of California
22 U.S. District Court
450 Golden Gate Avenue
23 San Francisco, California 94102

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